

**REMARKS**

This Amendment is filed in response to the Office Action mailed on October 20, 2006. All objections and rejections are respectfully traversed.

Claims 1-31 are in the case.

No claims were amended.

No new claims were added.

At Page 2 of the Office Action Claims 21-31 were objected to on the grounds that these claims were newly added in the Amendment filed on August 1, 2006, and no arguments relative their patentability were set forth.

Also, Claim 1 was objected to on the grounds that a previous rejection under 35 U.S.C. 112 second paragraph was not addressed in the Amendment filed on August 1, 2006.

Representative Claim 21, which was newly added in the Amendment filed August 1, 2006, states as follows:

21. (Previously Presented): A computer readable media, comprising:  
the computer readable media containing instructions for execution on a processor for the practice of a method of detecting leaked buffer writes between a first consistency point and a second consistency point, the method having the steps of,  
receiving a write operation directed to a file;  
creating a data buffer associated with the write operation; and  
writing a **buffer check control structure** to a raw data buffer associated with the data buffer.

At paragraph 8 of the Office Action mailed on June 29, 2006 The Examiner rejected claims 1-5, 11 and 15-20 under 35 U.S.C. §102(b) as being anticipated by Hitz et al., U.S. Patent No. 5,819,292 issued on October 6, 1998 (hereinafter "Hitz").

Applicant respectfully urges that Hitz does not show Applicant's novel ***buffer check control structure*** as set forth in new claim 21.

As explained in the Amendment filed on August 1, 2006, Applicant's novel ***buffer check control structure*** is utilized to detect leaked buffer writes between a current consistency point and a next consistency point (CP). Once a volume or qtree is determined to have an active buffer check option, the ***buffer check control structure*** is overwritten into the first part of the raw data area of the data stored in memory. The novel ***buffer check control structure*** includes two 32-bit "magic" numbers that are utilized by a file system of the storage operating system to uniquely identify the ***buffer check control structure***. Also embedded into the ***buffer check control structure*** is a 32-bit CP value associated with the data for the current CP. During write allocation of a CP, the CP value stored in ***buffer check control structure*** is compared with the current CP value. If the CP value stored in the ***buffer check control structure*** is not the value of the current CP, then the buffer data has leaked from one CP to another (Applicant's Summary; Page 7, lines 14-30 to Page 8, lines 11).

Applicant respectfully urges that Hitz is completely silent to Applicant's claimed novel ***buffer check control structure***. Applicant respectfully urges that the Hitz patent is legally precluded from anticipating the claimed invention under 35 U.S.C. § 102 because of the absence from the Hitz patent of Applicant's novel ***buffer check control structure***.

Also, Applicant's new representative claim 22 sets forth:

22. (Previously Presented): An apparatus configured to detect leaked buffer writes between a first consistency point and a second consistency point, the apparatus comprising:  
    a storage system to receive write operations;  
    a data buffer created to associate with the write operations; and  
    a ***buffer check control structure*** to write to a raw data buffer associated with the data buffer.

Again, Applicant respectfully urges that Hitz is completely silent to Applicant's claimed novel ***buffer check control structure***. Applicant respectfully urges that the Hitz patent is legally precluded from anticipating the claimed invention under 35 U.S.C. § 102 because of the absence from the Hitz patent of Applicant's novel ***buffer check control structure***.

Turning now to the rejection of claim 1 under 35 U.S.C. 112, second paragraph, Applicant respectfully notes that Claims 2, and 3 were amended in the Amendment filed on August 1, 2006 to address the issues raised by the Examiner. Also, claims 11 and 20 were amended in the Amendment filed on August 1, 2006 to meet concerns under 35 U.S.C. 112, second paragraph raised by the Examiner.

Applicant respectfully urges that all claims are now in condition for allowance, including those rejected in the previous Office Action under 35 U.S.C. 112, second paragraph.

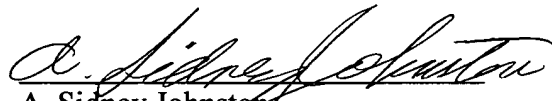
All independent claims are believed to be in condition for allowance.

All dependent claims are dependent from independent claims which are believed to be in condition for allowance. Accordingly, all dependent claims are believed to be in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "A. Sidney Johnston".

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